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February 27, 1997

VIA HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N. W., Room 222
Washington, D. C. 20554

Re: MM Docket No. 95-176

Dear Mr. Caton

Transmitted herewith on behalf of Ohio Educational Telecommunications are an original and six copies of its Comments in response to the Notice of Proposed Rule Making released in the above-referenced proceeding on January 17, 1997.

Also included, in accordance with the Commission's suggestion, is a computer disk copy of the Comments.

Very truly yours

Stanley S. Neustadt
Stanley S. Neustadt

Encl.

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BEFORE THE

Federal Communications Commission
Office of Secretary

Federal Communications Commission

In the Matter of)
)
Closed Captioning and Video Description)
of Video Programming)
)
(Implementation of Section 305 of the)
Telecommunications Act of 1996-Video)
Programming Accessibility))

MM Docket No. 95-176

COMMENTS OF OHIO EDUCATIONAL TELECOMMUNICATIONS IN RESPONSE TO NOTICE OF PROPOSED RULE MAKING

Ohio Educational Telecommunications ("OET") , by its attorneys, hereby responds to the Notice of Proposed Rule Making ("NPRM") released by the Commission in the above-captioned matter on January 17, 1997. OET, which has previously filed Comments in response to the Notice of Inquiry in this matter insofar as it dealt with video descriptioning, is equally concerned with some aspects of the closed captioning proposal contained in the NPRM. Specifically, the suggestion in ¶76 of the NPRM that locally produced and distributed instructional programming, or that educational or instructional programming generally, as a class, might be exempted from proposed closed captioning requirements, is a matter of concern to OET. It should be understood that these Comments contain the views of OET, and do not necessarily represent the views of any of the public broadcast television stations in Ohio. In support of its position, OET states:

1. OET, which has participated in many rule making proceedings which have involved or affected public broadcasting, either directly or indirectly, is an independent agency of the State of Ohio, created by Act of the General Assembly of the State of Ohio. It was created to foster the growth and development of public broadcasting in Ohio, and to provide all Ohio residents with access to the services provided by public stations. To this end, the OET network links Ohio's 12 educational television stations, 30 educational radio stations, and ten radio reading services in a statewide system, and provides grants to those stations to subsidize operations and programming. As has been noted in its prior Comments, the funding for the Radio Reading Services and a state coordinator's position for them have been included in the State budget since 1983. In addition, OET, through eight instructional departments, supplies the television stations with instructional television programming which is broadcast via the OET network to all Ohio schools.

2. The State of Ohio has clearly manifested its determination that every resident of the State should have access to educational broadcasting, both aural and visual. It has made huge steps in achieving this goal. It also seeks to make this important programming available to those who do not have easy access to educational broadcasting, due to physical or other impairment of sight or hearing. OET's participation in this phase of this proceeding is to urge the Commission to take every practical step to encourage the widest use of closed captioning in educational and instructional programming, and not to discourage this in any way. It is most important that the hearing impaired receive the fullest benefit of the information and entertainment in media which rely on aural as well as visual communication.

3. In ¶71 of the NPRM, the Commission states that it seeks to establish classifications of programming for which captioning would be economically burdensome. Whatever

the merit of the factors set forth therein for determining excessive economic burden--relative market size, degree of distribution, audience ratings or share, relative programming budgets or revenue base, lack of repeat value--with respect to commercial programming, they should be of virtually no consequence with respect to instructional and educational programs. The NPRM, in ¶76, refers to the typically small production budgets for locally produced and distributed instructional programming, but it also correctly notes that exempting such programming from any captioning requirement might deprive persons with hearing disabilities of access to important educational material. It is well-nigh impossible to overstate the importance of making such programming available to the hearing impaired as well as to the remainder of the public. Both the Congress in the Telcom Act of 1996, and the Commission, have recognized the great benefits which will flow from applying the latest technological advances to providing instruction and information to every school and every student in this country. Provision has been made by that Act and rules for lower costs in this national enterprise. At the very least some such approach should be adopted for universal instructional and educational captioning. In no event, however, should locally produced and distributed instructional programming be categorically exempted.

4. Under no circumstances should nationally-distributed instructional programming be exempted. One need look at any issue of any daily newspaper in any major city in the United States to realize that education and the performance of our schools is one of the most important matters for the national and local governments. The President and many Governors are devoting the efforts of their administrations to improvement of the educational process. The hearing impaired may not be left behind or deprived of the benefits that are sure to result. Captioning should be required, except in extreme circumstances. The Commission notes, in ¶17 of the NPRM, that over

80% of stations caption at least some of their local news. This is surely a more difficult and expensive process than to caption less time-sensitive instructional or educational programming.

5. OET cannot supply precise formulae for determining which specific programs should be exempted and which should not. It recognizes the technical and financial problems involved in attaining universal captioning. It surely does not urge the adoption of standards which might result in any long-term diminution in the amount of instructional and educational programming which is broadcast. However, the cost of captioning is infinitesimal compared, for example, to a change to digital television broadcasting. The overall rewards may, however, be as significant, if not more significant, for the public as a whole. OET urges the Commission to do whatever is in its power to foster and encourage closed captioning for all instructional and educational programming.

Respectfully submitted

OHIO EDUCATIONAL TELECOMMUNICATIONS

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